

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KOCH FOODS OF ALABAMA, LLC,
an Alabama limited liability company,

Plaintiff and Counter-
Defendant,

vs.

GENERAL ELECTRIC CAPITAL
CORPORATION, a Delaware corporation,

Defendant and Counter-
Plaintiff,

CIVIL ACTION NO.
2:07 CV 522-MHT

**GE CAPITAL CORPORATION’S MOTION FOR LEAVE TO FILE REPLY IN
FURTHER SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT
AS TO ALL CLAIMS AND COUNTERCLAIMS AND BRIEF AND
EVIDENTIARY SUBMISSION IN SUPPORT THEREOF**

Defendant/Counter-Plaintiff General Electric Capital Corporation (“GE Capital”), by and through its counsel of record, respectfully requests that this Court allow it leave until January 11, 2008, to submit a reply in further support of its Motion for Summary Judgment as to All Claims and Counterclaims (Doc. 44) and Brief and Evidentiary Submission in Support thereof (Doc. 45) (hereinafter collectively referred to as the “Motion”). In support thereof, GE Capital states as follows:

1. Pursuant to this Court’s October 23, 2007, Order (Doc. 21), GE Capital timely filed the Motion on December 7, 2007.

2. On December 11, 2007, Judge Myron H. Thompson entered an Order (Doc. 48) stating that the Motion would be taken under submission on January 4, 2008, and any opposing briefs and evidentiary submissions would be due on such date.

3. On January 4, 2008, Koch filed its Response to the Motion (Doc. 67) (“Koch’s Response”).

4. GE Capital has now had an opportunity to review Koch’s Response and respectfully requests leave to respond to the same by submitting a reply in further support of the Motion. GE Capital only needs a short period of time -- five business days, until January 11, 2008 -- to file such a reply.

5. No prejudice would result to any party as a result of the brief extension requested herein.

WHEREFORE, GE Capital respectfully requests that the Court allow it five (5) additional business days, until January 11, 2008, to submit a reply to Koch’s Response and in further support of GE Capital’s Motion.

Dated: January 7, 2008.

Respectfully submitted,

By: /s/ Rusha C. Smith
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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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